

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

REGIONS BANK,)	
)	
Plaintiff)	
)	Case No. 3:11-0831
v.)	Judge Campbell/Brown
)	
CONTINUUM HEALTHCARE, LLC,)	
<i>et al.</i> ,)	
)	
Defendants)	

TO: THE HONORABLE TODD J. CAMPBELL

REPORT AND RECOMMENDATION

As noted in Docket Entry 42-1 the various LLC and corporate Defendants have been on notice that their attorney would be withdrawing. Judge Campbell allowed their attorney to withdraw on October 31, 2012 (Docket Entry 44). In his order Judge Campbell pointed out that corporations may not proceed in litigation *pro se* and the Defendants needed to file a notice of appearance of new counsel by November 16, 2012 (Docket Entry 44).

On November 28, 2012, the Magistrate Judge entered an order (Docket Entry 46) noting that the Plaintiff had failed to have counsel enter an appearance for them by November 16, 2012, and gave them 14 days to show cause why the Court should not consider the entry of the default against the LLC Defendants. As of the date of this Report and Recommendation none of the LLC or corporate Defendants have secured counsel.

LEGAL DISCUSSION

As pointed out to the Defendants they must be represented by counsel and they have now been given two deadlines within which to comply with that directive. The case cannot proceed as to these Defendants absent counsel. The Court must be able to control its docket and move its cases forward. These Defendants have been given ample opportunity to either secure counsel or to request an extension of time to secure counsel if they can justify a need for additional time. Rather than embracing either of these options they have simply failed to act. Accordingly, the Magistrate Judge recommends that the Court enter a default as to these Defendants. If a default is entered, the sole remaining Defendant will be Bobby G. Rouse, who is represented by Mr. Robert J. Welhoelter.¹

RECOMMENDATION

For the reasons stated above, the Magistrate Judge recommends that a default be entered as to the LLC and corporate Defendants.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has **14 days** from receipt of this Report and Recommendation in which to file any written objections to this

¹The Magistrate Judge does note that for some reason the Clerk has sent a copy of the Magistrate Judge's last order (Docket Entry 46) to Mr. Rouse, which was returned as undeliverable. However, notice was sent to Mr. Rouse's attorney. The Magistrate Judge is not sure why mail would be directed to Mr. Rouse when he is represented by counsel.

recommendation with the District Court. Any party opposing said objections shall have **14 days** from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within **14 days** of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

ENTER this 14th day of December, 2012.

/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge